

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FAN MILLS, individually and behalf of all  
others similarly situated,

Plaintiff,

-against-

SAKS.COM LLC,

Defendant.

Case No. 1:23-cv-10638 (ER)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Christopher A. Ott, with exhibits thereto, Defendant Saks.com LLC, by and through its undersigned counsel, Loeb & Loeb LLP, will move this Court, as soon as counsel may be heard, before the Honorable Edgardo Ramos, at the United States Courthouse, 40 Foley Square, New York, NY 10007, for an Order, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiff's First Amended Complaint, and all claims asserted therein, with prejudice.

PLEASE TAKE FURTHER NOTICE that Defendant respectfully requests oral argument in connection with this Motion to Dismiss.

Dated: New York, New York  
June 7, 2024

LOEB & LOEB LLP

By: /s/ Christopher A. Ott  
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